

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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JOHN BARRY, JR.,

Plaintiff,

v.

JOHN KOSKINEN, *et al.*,

Defendants.

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Civil Action No. 3:18-cv-14276-BRM

**ORDER**

**THIS MATTER** is opened to this Court by: (1) a joint motion by Petitioner the United States of America (the “United States”) and Defendants John Koskinen, Steven Terner Mnuchin, Elba Y. Porratadoria, and Mary Ann Acone (“Present Defendants”) (collectively “Defendants”) for the United States to Intervene and Dismiss Plaintiff John Barry’s (“Barry”) Complaint (ECF No. 11); (2) Barry’s Motion for Default Judgment (ECF No. 9); and (3) Barry’s “Motion to Claim and Exercise Constitutionally Secured Rights and Require the Presiding Judge to Rule Upon this Motion and Compel all Public Officers of this Court to Uphold Said Rights Pursuant to Their Oaths to the Constitution of the United States of America” (ECF No. 14). All motions are opposed. Having reviewed the submissions filed in connection with the motions and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion and for good cause shown,

**IT IS** on this 11th day of September 2019,

**ORDERED** that the United States Motion to Intervene (ECF No. 11) is **GRANTED**; and it is further

**ORDERED** that Defendants' Motions to Dismiss is **GRANTED** (ECF No. 11); and it is further

**ORDERED** that all claims against the United States are **DISMISSED with prejudice**; and it is further

**ORDERED** that the due process claim against the Present Defendants in their official capacity is also **DISMISSED with prejudice**; and it is further

**ORDERED** that all other claims are **DISMISSED without prejudice**; and it is further

**ORDERED** that all other motions are **DENIED as MOOT**; and it is further

**ORDERED** the matter is marked **CLOSED**; and it is further

**ORDERED** that Barry may file an amended complaint by October 2, 2019; and it is finally

**ORDERED** that if Barry files an amended complaint, this matter will be reopened.

/s/ *Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**